

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL S. HAZEN,

Petitioner,

- v -

9:05-CV-1262

KENNETH S. PERLMAN, Superintendent,

Respondent.

APPEARANCES:

MICHAEL S. HAZEN
Petitioner, *Pro Se*

HON. ANDREW M. CUOMO
Attorney General for the State of New York
ALYSON J. GILL, ESQ., Assistant Attorney General
120 Broadway
New York, New York 10271
Attorney for Respondent

Hon. Norman A. Mordue, Chief U.S. District Judge:

MEMORANDUM-DECISION AND ORDER

Petitioner is an inmate in the custody of the New York State Department of Correctional Services, serving a sentence imposed upon his conviction for assault, second degree, after a jury trial. He brought this proceeding for *habeas corpus* under 28 U.S.C. § 2254, alleging various defects in the trial. The petition was referred to United States Magistrate Judge Randolph F. Treece pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.4. Magistrate Judge Treece has issued a Report and Recommendation (Dkt. No. 17) recommending that the petition be dismissed and that no certificate of appealability be issued.

Petitioner filed an objection (Dkt. No. 18). Pursuant to 28 U.S.C. § 636(b)(1)(C), this

Court reviews *de novo* those parts of a magistrate judge's recommendation to which a party specifically objects. Where only general objections are filed, the Court reviews for clear error. *See Brown v. Peters*, 1997 WL 599355, *2-*3 (N.D.N.Y.), *aff'd without op.*, 175 F.3d 1007 (2d Cir. 1999). Failure to object to any portion of a report and recommendation waives further judicial review of the matters therein. *See Roldan v. Racette*, 984 F.2d 85, 89 (2d Cir. 1993).

Petitioner's objection states that he "objects in whole to the report written by U.S.M.J. Randolph F. Treece." He does not specifically object to any particular portion of the Report and Recommendation. Accordingly, the Court reviews for clear error. Upon review of the record, the Court finds no error in the Report and Recommendation. It is therefore

ORDERED that the Report and Recommendation (Dkt. No. 17) is approved and adopted; and it is further

ORDERED that the petition is dismissed, and it is further

ORDERED that no certificate of appealability shall issue with respect to any of petitioner's claims.

IT IS SO ORDERED.

September 9, 2008
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge